

TIMOTHY R. FISCHER, WSBA No. 40075  
NANCY L. ISSERLIS, WSBA No. 11623  
DARREN M. DIGIACINTO, WSBA No. 39771  
DAVID P. GARDNER, WSBA No. 39331  
WINSTON & CASHATT, LAWYERS  
601 W. Riverside Avenue, Suite 1900  
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Attorneys for Debtor in Possession

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

No. 18-03197-11

**GIGA WATT INC.,**

Debtor in Possession.

**APPLICATION FOR ORDER  
APPROVING EMPLOYMENT OF  
ATTORNEY FOR DEBTOR IN  
POSSESSION NUNC PRO TUNC  
(LF 2014)**

The undersigned Debtor in Possession ("Debtor") applies to the Court for an Order approving the employment of Timothy R. Fischer, Nancy L. Isserlis, David P. Gardner and Darren M. Digiacinto, collectively "Appointee," of Winston & Cashatt, Lawyers, as Attorneys for the Debtor in the above entitled estate.

For purposes of this application and verification and the disclosures contained herein, the term APPOINTEE shall include the named Appointee, and if the named Appointee is an attorney partnership or corporation, or is an attorney employed as a partner, member, or regular associate of a partnership or corporation, the named Appointee and each member, partner or regular associate of such partnership or corporation.

APPLICATION FOR ORDER APPROVING  
EMPLOYMENT OF ATTORNEY FOR DEBTOR IN POSSESSION- 1

*Winston & Cashatt*  
A PROFESSIONAL SERVICE CORPORATION  
1900 Bank of America Financial Center  
601 West Riverside  
Spokane, Washington 99201  
(509) 838-6131

1 Applicant and Appointee in making and verifying this application understand that  
2 Appointee is a fiduciary to the estate and is obligated to fully and candidly disclose all  
3 material facts relating to the employment and is obligated to timely disclose  
4 subsequently discovered material facts.  
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6 Your Applicant makes the following representations under penalty of perjury and  
7 subject to 18 U.S.C. 152:  
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9 1. That the specific facts showing the necessity for the employment are:  
10 Debtors are individuals that require professional legal services in this bankruptcy  
11 proceeding.  
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13 2. That the reason for the selection of the above named appointee is: Debtor  
14 has agreed to employ Winston & Cashatt, Lawyers, to provide legal services and  
15 representation regarding this bankruptcy proceeding.  
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17 3. That the professional services to be rendered are: Assistance in  
18 preparation of Schedules and Statement of Financial Affairs; Appearance at Section 341  
19 meeting, preparation of Plan of Reorganization and Disclosure Statement, any court  
20 related matters involving any Motions filed against or for the Debtors, adversary  
21 proceedings, and advice and counsel.  
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23 4. That APPOINTEE is qualified to provide the services to be rendered based  
24 on the following:  
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26 4.1 TIMOTHY R. FISCHER has been a member of the Washington  
27 State Bar Association since 2008. Timothy R. Fischer was admitted to practice by the  
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1 Washington State Supreme Court on May 28, 2008, and before the U. S. District Court,  
2 Eastern District of Washington on June 6, 2008.  
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4 4.2 NANCY L. ISSERLIS has been a member of the Washington State Bar  
5 Association since 1981. Nancy L. Isserlis was admitted to practice by the Washington  
6 State Supreme Court on May 12, 1981, and is authorized to practice before the U. S.  
7 District Court, Eastern District of Washington.  
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10 4.3 DAVID P. GARDNER has been a member of the Washington State Bar  
11 Association since 2007. David P. Gardner was admitted to practice by the Washington  
12 State Supreme Court on November 6, 2007, and before the U. S. District Court, Eastern  
13 District of Washington on November 20, 2007.  
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16 4.4 DARREN M. DIGIACINTO has been a member of the Washington State  
17 Bar Association since 2007. Darren M. Digiacinto was admitted to practice by the  
18 Washington State Supreme Court on December 4, 2007, and before the U. S. District  
19 Court, Eastern District of Washington on September 22, 2009.  
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22 5. That any proposed arrangement as to compensation including hourly rates  
23 or flat fees if applicable, is as follows, but that approval of that arrangement and any  
24 payment or allowance of compensation for services rendered or reimbursement of  
25 expenses will be in accordance with 11 U.S.C. §§ 329 and 330 and FRBP 2016: Debtor  
26 and Debtor's Bankruptcy Estate will be charged fees at the following rates:  
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Name	Title	Hourly Rate
Timothy R. Fischer	Attorney	\$300.00
Nancy L. Isserlis	Attorney	\$350.00

David P. Gardner	Attorney	\$300.00
Darren M. Digiacinto	Attorney	\$300.00
	Paralegals	\$130.00
	Legal Interns	\$95.00

6. That Appointee is not a relative of the Bankruptcy Judge assigned to this case.

7. That Appointee does not hold or represent an interest adverse to the estate, nor is Appointee an interested person. Appointee has not served as examiner in the case.

8. That to the best of your Applicant's knowledge, all of the Appointee's connections with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, any person employed in the office of the United States Trustee or the Bankruptcy Judge assigned the case are as follows:

A. That Appointee is not a creditor as defined by 11 U.S.C. § 101(10).

B. That Appointee is not indebted to the Debtors or to the estate.

C. That Appointee has not represented an entity that is classified as a creditor as defined by 11 U.S.C. § 101(10).

D. That Appointee has not been an equity security holder as defined in 11 U.S.C. § 101(17).

E. That Appointee has not represented an equity security holder as defined by 11 U.S.C. § 101(17).

F. That Appointee has not been an insider as defined by 11 U.S.C. § 101(31).

1 G. That appointee has not represented an insider as defined by 11  
2 U.S.C. § 101(31).  
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4 H. There are no conflicts of interest with regard to this representation.

5 I. That Appointee has not participated in transactions with the Debtor,  
6 including actions under 11 U.S.C. § 329(a) and FRBP 2017(a), involving payment for  
7 legal services rendered up to the date of filing except as set forth in "J" below.  
8

9 J. That Appointee has not received or been promised compensation  
10 from Debtor or some other entity for services rendered in this case, except that  
11 Appointee has received prepaid fees/costs in the amount of \$15,085.00 (fees) and  
12 \$1,717.00 (filing cost) on November 19, 2018, for services rendered in preparation of all  
13 pleadings and papers filed herein.  
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16 K. That Appointee has caused to be conducted an internal conflicts check in  
17 regard to representation of other clients as required by any code or rules of professional  
18 conduct, and found that no conflict exists.  
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21 DATED this 30 day of November  
22 , 2018.

23 

24 \_\_\_\_\_  
25 By: Andrey Kuzenny  
26 Giga Watt, Inc.  
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1 I, Timothy R. Fischer, the undersigned Appointee, do hereby state under penalty  
2 of perjury of the laws of the United States that I have read the above representations and  
3 verify that they are true and accurate and that they disclose all material facts required to  
4 the best of my knowledge and belief.

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6 WINSTON & CASHATT, LAWYERS  
7 /s/ Timothy R. Fischer

8 TIMOTHY R. FISCHER, WSBA No. 40075  
9 Attorney for Debtor in Possession

10 I, Nancy L. Isserlis, the undersigned Appointee, do hereby state under penalty of  
11 perjury of the laws of the United States that I have read the above representations and  
12 verify that they are true and accurate and that they disclose all material facts required to  
13 the best of my knowledge and belief.

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15 WINSTON & CASHATT, LAWYERS  
16 /s/ Nancy L. Isserlis

17 NANCY L. ISSERLIS, WSBA No. 11623  
18 Attorney for Debtor in Possession

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20 I, David P. Gardner, the undersigned Appointee, do hereby state under penalty of  
21 perjury of the laws of the United States that I have read the above representations and  
22 verify that they are true and accurate and that they disclose all material facts required to  
23 the best of my knowledge and belief.

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25 WINSTON & CASHATT, LAWYERS  
26 /s/ David P. Gardner

27 DAVID P. GARDNER, WSBA No. 39331  
28 Attorney for Debtor in Possession  
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1 I, Darren M. Digiacinto, the undersigned Appointee, do hereby state under  
2 penalty of perjury of the laws of the United States that I have read the above  
3 representations and verify that they are true and accurate and that they disclose all  
4 material facts required to the best of my knowledge and belief.  
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6 WINSTON & CASHATT, LAWYERS  
7 /s/ Darren M. Digiacinto

8 DARREN M. DIGIACINTO, WSBA No. 39771  
9 Attorney for Debtor in Possession  
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